IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

Crl.Rev.Pet.No. 505 of 1998()

CRA.177/1996 of SESSIONS COURT, THODUPUZHA
.....

REVN. PETITIONER:

DEVASSIA AUGUSTHY, AGED 82,
MANACHIRACKAL HOUSE, ELLEKKAL P.O.,
THEKKINKANAM KARA, IDUKKI DISTRICT.

BY ADV. SRI.ANIL GEORGE

RESPONDENTS/APPELLANTS
---

1. SAJU, S/O.ABRAHAM, PAZHAMPLACKAL HOUSE,
KALLIMALIL KARA, RAJAKKAD VILLAGE.

2. ANTONY, S/O.JOSEPH, REATHAPILLIL HOUSE,
CHERUPURAM BAGAM, KALLIMALIL KARA, RAJAKKAD VILLAGE.

3. DARLY, S/O.ANTONY, RATHAPPILLIL HOUSE,
CHERUPURAM BAGAM, KALLIMALIL KARA, RAJAKKAD VILLAGE.

4. DARVIN, S/O.ANTONY, RATHAPPILLIL HOUSE,
CHERUPURAM BAGAM, KALLIMALIL KARA, RAJAKKAD VILLAGE.

5. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR.

R5 BY PUBLIC PROSECUTOR MR.P.RAVINDRA BABU
BY ADV. SRI.P.VIJAYA BHANU
SRI.S.R.MANOJ

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K. BALI, C.J.

Crl.R.P.No.505 of 1998

Dated, this the 22nd day of November, 2006

ORDER

V.K.Bali,C.J.(Oral)

The respondents were tried for offences under Sections 447, 326 and 34 of the Indian Penal Code and sentenced to undergo simple imprisonment for a period of three years and also to pay a fine of Rs.5000/- each and in default of payment of fine to undergo simple imprisonment for six months more for offence under Section 326 IPC and simple imprisonment for a period of six months for offence under Section 447 IPC. The above sentences were ordered to run concurrently vide order dated 26th July, 1996 passed by the Judicial Magistrate of Ist Class, Adimaly. However, in the appeal preferred by them they were acquitted by the learned Sessions Judge, Thodupuzha vide order dated 4th March, 1998.

2. Learned counsel appearing for the petitioner has taken me through the judgment passed by the learned appellate court. The reasons for acquittal recorded are cogent. In any case, on

the reasons given by the learned Sessions Judge the findings could be recorded and that being so it is well settled law that an order of acquittal cannot be converted into an order of conviction. No merits. Dismissed.

V.K. BALI,
CHIEF JUSTICE.

vns